



Mid-Atlantic Petroleum Distributors Association
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May 26, 2023

Angela Marconi, Director
Division of Air Quality
Delaware Department of Natural Resources and Environmental Control
100 W. Water Street, Suite 6A
Dover, DE 19904

RE: Docket #2022-R-A-0011 – 7 DE Admin. Code 1140 – Delaware’s Low Emission Vehicle Program

Dear Director Marconi:

The Mid-Atlantic Petroleum Distributors Association (MAPDA) is a regional trade association representing energy marketers throughout Delaware, Maryland and the District of Columbia. MAPDA member companies supply all finished motor and heating fuel products sold in the region including gasoline, diesel fuel and heating fuels. MAPDA members also own and operate Delaware, Maryland, and DC’s gas stations and convenience stores.

MAPDA respectfully files these comments in response to the *draft* Amendments to 7 DE Admin. Code 1140 – Delaware’s Low Emission Vehicle Program.

Agency Authority

According to Delaware’s Department of Natural Resources and Environmental Control (DNREC), this rulemaking is required because of the state’s attachment to the California Low Emission Vehicle standards. That attachment was done through an Executive Order in 2014 and can be undone by the same process.

The proposed amendments mirror those of California’s Advanced Clean Car II program (ACC2). In effect, adoption will phase out the sale of any new gas-powered passenger cars, trucks, and SUVs by 2035. Instead, Delawareans will only be allowed to purchase zero emission vehicles (ZEV) in the new car market. This represents a de facto ban on gas-powered vehicles.

Throughout DNREC’s public outreach MAPDA, stakeholders, and members of the public have expressed grave concerns with the department’s approach to the rulemaking. Those include the costs of implementation – equipment, vehicle price, ongoing costs – and the ability of the state to design and build the infrastructure needed to support a transportation sector based largely on electric vehicles.

Broadly speaking, these issues and the decision to adopt a policy with such wide-ranging implications should and need to be approved by the Delaware General Assembly.

Feeding and fueling the economy through gas, coffee, food, heating oil and propane.

MAPDA is an association of convenience stores and energy distributors in Maryland, Delaware & the District of Columbia.



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State Readiness

California's ACC II program represents the most sweeping and energy-intensive regulatory framework in automotive history. A mandate of new car sales being 100% zero-emission for the passenger class in less than 12 years is overly ambitious considering the state's current grid capacity.

Utilities are already struggling with grid capacity in California. The state's power grid was under so much pressure in August of last year that a 10-day emergency alert was issued warning residents to cut electricity use or face outages. The concern becomes what will happen when ACC II is fully implemented adding demand to an already overburdened grid.

As California is forcing its residents to increasingly purchase ZEVs, it is also shifting all of its power to renewable energy sources. Yet the demand for electricity will continue to rise as ACC II takes root.

Delaware must avoid putting itself in a similar situation. As DNREC considers adopting ACC II, the legislature is considering legislation to move away from fossil-fuel based energy sources that have proven reliable and consistent. As policymakers consider these options, they must also consider the very real possibility they are setting up the general public to face an unreliable grid dependent on energy sources that cannot deliver.

In conclusion, DNREC should reexamine the need to pursue this rulemaking under current law. Such an impactful policy decision should lie with the General Assembly as opposed to a state agency not directly responsible to Delawareans.

Sincerely,

Mike O'Halloran
On behalf of MAPDA

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